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09/849,890	05/07/2001	Jean-Marc Villaret	10013344-1	9971

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EXAMINER

DASS, HARISH T

ART UNIT PAPER NUMBER

3628

DATE MAILED: 11/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/849,890	<b>Applicant(s)</b> VILLARET ET AL.	
	<b>Examiner</b> Harish T. Dass	<b>Art Unit</b> 3628	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on April 29, 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-4 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claim 1 "assigning an EFTPOS address" is not clear which device is assigning the address to terminal. Which device is receiving from external DPS is receiving data set. The limitations in claims need clarification, how does this work.

Claims 1-4 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 1 recites the limitation " the external DPS " in line 9. There is insufficient antecedent basis for this limitation in the claim.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nguyen et al (hereinafter Nguyen – US 6,304,915) in view of Chien et al (hereinafter Chien US 2003/0115345 A1).

Re. Claim 1, Nguyen discloses

receiving from the external DPS a first data set with an address identifier, the first data set being directed to an EFTPOS terminal using the address identifier [Abstract; Fig. 56B # 5654; C62 L41-63; C63 L9-L18; C100 L49-L58 – col. 62 lines 47-50 The VPOS engine (server) and lines 61-63 a merchant's name refers to a unique ... TID or terminal ID, Database management system. It is known that gateway has an address], and

transmitting the first data set to the EFTPOS terminal via the EFTPOS terminal arrangement using the assigned EFTPOS address [C29 L58 to C30 L32; C64 L6-L59 - see terminal ID, Merchant ID, HDT, URL update the host definition table (mapping of URL to IP address table)]. Nguyen does not explicitly disclose assigning an EFTPOS address to an EFTPOS terminal via the non-payment application of the EFTPOS terminal arrangement and converting the address identifier to the EFTPOS address assigned to the EFTPOS terminal via the non-payment application of the EFTPOS terminal arrangement in response to receiving the first data set from the external DPS.

However, Chien discloses a address assignment and DHCP server, assigning an EFTPOS address to an EFTPOS terminal (computer device) via the non-payment application of the EFTPOS terminal arrangement and converting the address identifier

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to the EFTPOS address assigned to the EFTPOS terminal [Figures 1-2; paragraph (para.) 0010; 0013; 0034], and converting (mapping) the address identifier to the EFTPOS address assigned to the EFTPOS terminal via the non-payment application () of the EFTPOS terminal arrangement in response to receiving the first data set from the external DPS [para. 0029-0031; 0036-0037; 0042-0043; 0047] to facilitate communication between the terminal devices (computer devices), gateway and server using address assignment and mapping between the physical address of computer device and IP address for forwarding the communication (traffic) to the computer device. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the disclosure of Nguyen and include address assignment of computer device (such as EFTPOS) and mapping the mapping (conversion) of the physical address into IP address, as disclosed by Chien, to allow communication between the computer device and gateway, and servers.

Re. Claim 2, Nguyen further discloses wherein the step of receiving from the external DPS a first data set includes the step of encoding the address identifier to further include a DPS address identifier for the external DPS, wherein the DPS address identifier is used for transmitting the data set from the EFTPOS terminal to the external DPS [C76 L35-L50; C56 L44-67].

Re. Claim 3, Nguyen further discloses transmitting a second data set from the EFTPOS terminal via non-payment application of the EFTPOS terminal arrangement to the

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external DPS in response to receipt of the first data set [C61 L40 to C62 L13; C29 L58 to C30 L32; C64 L6-L59] and converting the EFTPOS address to the address identifier via the non-payment application of the EFTPOS terminal arrangement and transmitting the second data set to the external DPS [C57 L53 to C57 L53 to C58 L44].

Re. Claim 4, Nguyen further discloses selecting a product via the non-payment application and offered by the first application on the external DPS after receiving the first data set [C62 L41 to C63 L36], transmitting a set of customer-specific financial account data from the EFTPOS terminal via the payment application of the EFTPOS terminal arrangement to the second application on the financial institution DPS for processing payment for a product [C61 L40 to C62 L13; C29 L58 to C30 L32; C64 L6-L59], and receiving via the EFTPOS terminal arrangement a transaction confirmation from the second application on the financial institution DPS in response to receipt of the financial account data transmission at the second application [C62 L41 to C63 L36; C57 L53 to C57 L53 to C58 L44].

Re. Claim 5, Nguyen discloses means for using a first database of EFTPOS addresses of the EFTPOS terminal arrangement [fig. 66; C29 L58 to C30 L32; C57 L53 to C57 L53 to C58 L44; C64 L6-L59], means for receiving from the external DPS a first data set with an address identifier, the first data set being directed to an EFTPOS terminal using the address identifier [abstract; Fig. 56B # 5654; C62 L41 to C63 L36], and means for transmitting the first data set to the EFTPOS terminal via the EFTPOS terminal

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arrangement using the assigned EFTPOS address [C29 L58 to C30 L32; C64 L6-L59].

Nguyen does not explicitly disclose assign an EFTPOS address to an EFTPOS terminal and means for converting the address identifier to the EFTPOS address assigned to the EFTPOS terminal using the first database of the EFTPOS terminal arrangement in response to receiving the first data set from the external DPS.

However, Chien discloses these steps [Figures 1-2; paragraph (para.) 0010; 0013; 0034; and 0029-0031; 0036-0037; 0042-0043; 0047] to facilitate communication between the terminal devices (computer devices), gateway and server using address assignment and mapping between the physical address of computer device and IP address for forwarding the communication (traffic) to the computer device. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the disclosure of Nguyen and include address assignment of computer device (such as EFTPOS) and mapping the mapping (conversion) of the physical address into IP address, as disclosed by Chien, to allow communication between the computer device and gateway, and servers.

Re. Claim 6, Nguyen further discloses transmitting a second data set from the EFTPOS terminal via the EFTPOS terminal arrangement to the external DPS in response to receipt of the first data set [C28 L10-L62; C29 L58 to C30 L32; C64 L6-L59], and converting the EFTPOS address to the address identifier using the first database of the EFTPOS terminal arrangement and transmitting the second data set to the external DPS [C57 L53 to C57 L53 to C58 L44].

Re. Claim 19, further Nguyen discloses a plurality of EFTPOS terminals adapted to process a data set received from the vendor application and from the e-service application via the second non-secure channel (Internet channel) [C75 L14 to C76 L3], and a server arrangement coupled to the plurality of EFTPOS terminals and configured to receive sets of data from the vendor application via the non-secure channel (internet which is non-secure communication channel) and transmit the data sets to selected ones of the EFTPOS terminals using an address identifier, the server further configured to receive payment requests from the EFTPOS terminals and transmit the payment requests to the financial application via the secure channel [C15 L33 to C16 L56; C62 L41 to C63 L36; C57 L53 to C57 L53 to C58 L44; C29 L58 to C30 L32; C64 L6-L59; claim 9]. Nguyen does not explicitly disclose the server arrangement configured and arranged to assign a different address identifier to each of the respective EFTPOS addresses of the plurality of EFTPOS terminals and configured to convert the address identifier to one of the assigned EFTPOS addresses and to send the data set to the EFTPOS terminal having the assigned EFTPOS address.

However, Chien discloses these steps [Figures 1-2; paragraph (para.) 0010; 0013; 0034; and 0029-0031; 0036-0037; 0042-0043; 0047] to facilitate communication between the terminal devices (computer devices), gateway and server using address assignment and mapping between the physical address of computer device and IP address for forwarding the communication (traffic) to the computer device. It would have been obvious at the time the invention was made to a person having ordinary skill in the



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art to modify the disclosure of Nguyen and include address assignment of computer device (such as EFTPOS) and mapping the mapping (conversion) of the physical address into IP address, as disclosed by Chien, to allow communication between the computer device and gateway, and servers.

Re. Claim 20, Nguyen further discloses wherein the server is further configured to translate an address from the EFTPOS address to a vendor application address and configured to transmit sets of data from the EFTPOS terminals via the non-secure channel to the vendor application [C59 L45 to C61 L42].

Re. Claim 7, Nguyen discloses transmit the data sets to selected ones of the EFTPOS terminals, and configured to receive payment requests from the EFTPOS terminals and transmit the payment requests to the financial application via the secure channel [Abstract; Figures 23, 63; C2 L60 to C3 L65; C4 L41-L54; C7 L5-33; C62 L41 to C64 L65; C104 L55 to C105-L42; claim 9 C106].

Nguyen does not disclose explicitly a proxy server configured and arranged to be coupled to the plurality of EFTPOS terminals and to receive sets of data from the vendor application via the non-secure channel. However, Chien discloses these steps [Figures 1-2; paragraph (para.) 0029-0031; 0085; 0091; 0097] to facilitate communication between the terminal devices (computer devices; EFTPOS, etc), and outside the network with help of proxy server and Internet (non-secure channel). It would have been obvious at the time the invention was made to a person having

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ordinary skill in the art to modify the disclosure of Nguyen and include a proxy server configured and arranged to be coupled to the plurality of EFTPOS terminals and to receive sets of data from the vendor application via the non-secure channel, , as disclosed by Chien, to enable communication between the terminal devices (computer devices), and device out outside of the network with help of proxy server and Internet.

Re. Claims 8-9, Nguyen further discloses wherein the proxy server is configured to assign each of the plurality of EFTPOS terminals a respective EFTPOS address, and the proxy server is further configured to associate the EFTPOS addresses with respective addresses that are addressable via the non-secure channel (internet) and translate addresses (decrypt information) in the sets of data from the vendor application to EFTPOS addresses and wherein the proxy server is further configured to translate an address from the EFTPOS address to a vendor application address and configured to transmit sets of data from the EFTPOS terminals via the non-secure channel to the vendor application [C57 L53 to C57 L53 to C58 L44; C2 L60 to C3 L65; C7 L5-33; C62 L41 to C64 L65; C104 L55 to C105-L42; claim 9].

Re. Claim 11, Nguyen further discloses a plurality of EFTPOS terminals (proxy equipment or gateway server Figures 22, 23), and a proxy server coupled to the

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plurality of EFTPOS terminals, the proxy server configured to receive sets of data from the vendor application via the non-secure channel (internet which is non-secure communication channel) and transmit the data sets to selected ones of the EFTPOS terminals, and configured to receive payment requests from the EFTPOS terminals and transmit the payment requests to the financial application via the secure channel [Figures 21A-27; C75 L42-L62; C77 L32 to C78 L56; 105 L2-L10 - (POSIX)(proxy equipment)]. Further, proxy servers are will know to be used to enhanced security of access to and from remote site.

Re. Claim 12, Nguyen discloses wherein each of the plurality of EFTPOS terminals are assigned respective EFTPOS addresses, and the proxy server is further configured to associate the EFTPOS addresses with respective addresses that are addressable via the nonsecure channel and translate addresses in the sets of data from the vendor application to EFTPOS addresses [C61 L40 to C62 L13; C94 L34-L41; C75 L42-L62; C77 L32 to C78 L56; C104 L55 to C105-L42].

Re. Claim 13, Nguyen discloses wherein the proxy server is further configured to translate an address from the EFTPOS address to a vendor application address and configured to transmit sets of data from the EFTPOS terminals via the non-secure channel to the vendor application [C75 L42-L62; C77 L32 to C78 L56; 105 L2-L10].

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Re. Claims 14, 17-18, Nguyen discloses Internet communication network, wherein the proxy server (Gateway Server) is further configured to transmit and receive sets of data between selected ones of the EFTPOS terminals and a non-vendor application via a non-secure channel, wherein at least one of the plurality of terminals further comprises an interface module that is configured and arranged to facilitate wireless communications between a mobile communications device and the proxy server, and wherein the proxy server is configured and arranged to host one or more payment applications for accessing the financial application of the DPS of the financial institution via the first secure channel, the proxy server is further configured to host one or more non-payment applications for accessing the vendor application of the DPS of the vendor, wherein the payment and non-payment applications of the proxy server are reconfigurable to change the transmission and reception of data sets within the EFTPOS system (Internet access routines and merchant server, and merchant payment processing) [Abstract; Fig. 23; C76 L5 to C77 L64; ].

Re. Claims 10, 15-16, Nguyen discloses Internet communication network and wherein the proxy server further comprises an interface module configured and arranged to transmit data sets to selected ones of the EFTPOS terminals (gateway server # 2330) [Fig. 23]. Nguyen does not disclose explicitly wherein the proxy server further comprises an interface module configured and arranged to transmit data sets to selected ones of the EFTPOS terminals and configured and arranged to facilitate wireless communication between a mobile communications device and the proxy server, and

wherein the proxy server is configured and arranged to facilitate wireless communication between a mobile communications device and the EFTPOS system via the interface module.

However, Chien discloses these steps [Abstract; Figures 1-2; paragraph (para.) 0010; 0013; 0029-0031; 0036-0037; 0085; 0091; 0097] to facilitate communication between the terminal devices (computer devices), and outside the network with help of proxy server and Internet. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the disclosure of Nguyen and include wherein the proxy server further comprises an interface module configured and arranged to transmit data sets to selected ones of the EFTPOS terminals and configured and arranged to facilitate wireless communication between a mobile communications device and the proxy server, and wherein the proxy server is configured and arranged to facilitate wireless communication between a mobile communications device and the EFTPOS system via the interface module, as disclosed by Chien, to enable communication between the computer devices (such as PDA, cordless or cellular phone), and device out outside of the network with help of proxy server and Internet.

### ***Response to Arguments***

Applicant's arguments, see Remarks, filed April 29, 2005, with respect to the rejections of claims 1-20 under USC 103 have been fully considered and are persuasive, except applicant's arguments responded below. Therefore, the rejection

has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Chien et al US 2003/0115345 A1.

a- In response to applicant's remark that USC 112 ... , still it is not clear what equipment (or application or device) assigns an EFTPOS address. Applicant's response is not responsive to office action. The limitation of claim 1 "assigning an EFTPOS address to an EFTPOS terminal via the non-payment application of the EFTPOS terminal arrangement" says only the address is assigned via non-payment application does not mean it is assigned by non-payment application.

b- In response to applicant's argument that "VPOS is not a EFTPOS" is nonanalogous art, it has been held that a prior art reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the applicant was concerned, in order to be relied upon as a basis for rejection of the claimed invention. See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). In this case, VPOS is a computer terminal or computer device.

### **Conclusion**

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Applicant is required under 37 CFR ' 1.111 (c) to consider the references fully when responding to this action.

US 6,264,104 to Jenkins et al, Jul. 24, 2001 "Vending device with remote electronic shopping facility" discloses electronic ordering of goods and/or services and in particular relates to a dedicated electronic catalogue device and system for enabling

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remote ordering of goods/services, electronic catalogue device may be provided with an EFTPOS facility, interface to the banking system, and standard EFTPOS transactions.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Harish T. Dass whose telephone number is 571-272-6793. The examiner can normally be reached on 8:00 AM to 4:50 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hyung S. Sough can be reached on 571-272-6799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Harish T Dass  
Examiner  
Art Unit 3628

HTD  
11/10/05

*Attachment A.*

*Requirement for Information under 37 CFR 1.105*

1. Applicant and the assignee of this application are required under 37 CFR 1.105 to provide the following information that the examiner has determined is reasonably necessary to the examination of this application.

2. The information is required to identify products and/or services embodying the disclosed subject matter of providing bases for the mathematical expressions (formulas) used through out the specifications. What are the inventors contributions to these mathematical formulas, and when they were published and where?

The Examiner upon conducting a search for prior art, discovered a US 6,264,104 to Jenkins et al, Jul. 24, 2001 "Vending device with remote electronic shopping facility" discloses a electronic device configured to communicate with EFTPOS (see conclusion - prior art above).

3. The fee and certification requirements of 37 CFR 1.97 are waived for those documents submitted in reply to this requirement. This waiver extends only to those documents within the scope of the requirement under 37 CFR 1.105 that are included in the applicant's first complete communication responding to this requirement. Any supplemental replies subsequent to the first communication responding to this requirement and any information disclosures beyond the scope of this requirement




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under 37 CFR 1.105 are subject to the fee and certification requirements of 37 CFR 1.97 where appropriate.

4. In responding to those requirements that require copies of documents, where the document is a bound text or a single article over 50 pages, the requirement may be met by providing copies of those pages that provide the particular subject matter indicated in the requirement, or where such subject matter is not indicated, the subject matter found in applicant's disclosure.

5. The applicant is reminded that the reply to this requirement must be made with candor and good faith under 37 CFR 1.56. Where the applicant does not have or cannot readily obtain an item of required information, a statement that the item is unknown or cannot be readily obtained will be accepted as a complete reply to the requirement for that item.

6. This requirement is subject to the provisions of 37 CFR 1.134, 1.135 and 1.136 and has a shortened statutory period of 1 month. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

  
HYUNG SOUGH  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600